

RESOLUTION NO. 07-1460

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF SITE PLAN/ ARCHITECTURAL REVIEW CASE NO. 05-SPR-015, OAK TREE PERMIT CASE NO. 05-OTP-023 AND SIGN PERMIT CASE NO. 05-SP-024

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Aitan Hillel (the "applicant") with respect to the real property located at the southeast corner of Driver and Canwood Street (Assessor's Parcel Numbers 2052-008-017 & 019) requesting approval of a Site Plan/Architectural Review application to build a 4,677 square-foot car wash facility including a second story for offices, an attached 3,460 square-foot canopy and a 1,868 square-foot building for lube and detailing services. The applicant also requested approval of an Oak Tree Permit to remove one (1) oak tree and encroach in the protected zone of an off-site tree and a Sign Permit to construct a monument sign and wall-mounted signage. The Planning Commission denied the application.

Section II. The applicant filed a timely written appeal of the Planning Commission's denial of the application and made certain changes in the project description prior to the hearing before the City Council.

Section III. The City Council considered the appeal *de novo* on July 11, 2007 in the City Council Chambers in Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given according to applicable law.

Section IV. The applicant, the applicant's counsel and consultants, and members of the public testified during the public hearing. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid hearing.

Section V. Pursuant to Sections 9677.5 and 9677.7.G. of the Agoura Hills Zoning Ordinance, the City Council hereby denies the appeal, and upholds the Planning Commission's denial of Site Plan/Architectural Review Case No. 05-SPR-015, Oak Tree Permit Case No. 05-OTP-023, and Sign Permit Case No. 05-SP-024. Said denial is based upon the independent findings of fact set forth below, any one of which on its own justifies denial of the subject application.

Site Plan Review Findings:

- A. The proposed use, as conditioned, and the manner in which it would be operated or maintained would be detrimental to the public health, safety, or general welfare in that:
 1. There is no way to be certain that the number of parking spaces proposed on-site is adequate for the needs of the project, as expressed by the applicant and his counsel. The record indicates at least three different

representations of the number of employees needed on-site at any given time. During the hearing, the applicant stated that it was impossible to project how many employees would be needed on-site at high volume or peak times. The number of parking spaces necessary to protect the public health, safety and general welfare must be determined by the applicant's accurate and specific representation as to the maximum number of customers and employees on-site at any given time. The proposed number of parking spaces appears to have been manipulated to meet a certain goal, rather than the actual planned use of the site. Without that specificity, the Site Plan cannot be approved.

2. The proposed traffic circulation pattern on-site of a single driveway on Chesebro Drive includes a single ingress lane and two egress lanes, which would cause on-site circulation conflicts as well as queuing in the right-of-way. Further, the proposed location of facilities on the site presents the potential for conflicts between cars entering and exiting the wash facility and cars being transported to the lube facility, as well as pedestrians.
3. The location of the proposed buildings would not provide enough separation between the project and existing developments to efficiently reduce the noise impacts onto adjacent residential structures and the preschool and special needs school program across the street. The car wash tunnel is designed to open directly toward those adjacent sensitive educational uses.
4. The noise and traffic from the proposed design of the site has the potential to adversely impact the users of the existing equestrian facility across the street from the site.
5. The applicant failed to provide a clear and precise answer regarding the number of cars expected to be present on the site on any given day, stating 10-15 cars per day in one answer and 15-20 in another. Thus, it cannot be said with certainty that the physical design of the site is adequate to protect public safety and general welfare.

B. The design of the proposed development is not compatible with the surrounding area in that:

1. The style of architecture is not compatible with the unique rural and equestrian character of the Old Agoura neighborhood and surroundings.
2. The number of buildings in relation to the size of the parcel is not consistent with the low intensity style of development typically found in the Old Agoura Design Overlay District which the City's Zoning Ordinance seeks to preserve.

3. The concentration of the buildings and the operational components toward Chesebro Road inherently increases the visibility of the outdoor activity onto the street which would result in impacts onto the preschool and other adjacent educational and recreational uses, as well as the residential structure immediately to the west.
4. The design of the site unacceptably interferes with the large California walnut tree on the site, which is characteristic of the surrounding natural area.
5. Lighting from the proposed 14-foot light pole will be visible from off-site properties, which is not consistent with the existing rural character of the neighborhood.

Architectural Review Findings:

- A. The design of the proposed development would not be in keeping with the character of the surrounding neighborhood and would be detrimental to the harmonious, orderly and attractive development dictated by the ordinance and the general plan of the City in that:
 1. The style of architecture and decorative elements, including a water feature, proposed for the development is not in keeping with the style of architecture found in the Old Agoura neighborhood and the natural surroundings, and does not foster a pedestrian oriented style.
 2. The number of buildings and the need for the screening of the on-site activities isolates the commercial use and does not lend itself to the openness of the area. The need for screening required for this type of use whether in the form of landscaping and/or trellises would reduce the enjoyment by the neighbors of a rustic style of architecture.
 3. The number of signs proposed for this project is not in character with the unobtrusive quality of adjacent commercial properties.
 4. There is insufficient space dedicated to the storage and trash areas and the design of the service areas would cause inefficiencies for the maintenance of the project.
 5. The trash enclosure is located very close to the front property line and would not enhance the aesthetics of the project and would impact the commercial property to the south.
- B. The overall development of the subject property is not designed to ensure the protection of the public health, safety and general welfare in that:
 1. The landscaping and berming intended as screening along the Palo Comado Canyon Drive and Chesebro Drive frontages would be insufficient in reducing

visibility of the on-site activities and the parking area as viewed from the streets and create visibility issues for vehicles entering and exiting the site.

2. The site was not designed to avoid impacts and conflicts with neighboring residential, education and equestrian uses.

Oak Tree Permit Findings:

- A. Removal of the existing oak tree is not necessary for the viable development of the property and does not meet the grounds for permitted removal of the tree as specified in the Municipal Code in that it is not diseased, damaged or otherwise subject to removal. Oak Trees are an important element of the natural environment and aesthetic character in Old Agoura.

Sign Permit Findings:

The proposed sign permit being dependent on approval of the other elements of the application that have been denied herein, granting the sign permit would be inconsistent with applicable law.

Section VI. Based on the aforementioned findings, the City Council hereby denies the appeal and denies Site Plan/Architectural Review Case no. 05-SPR-015; Oak Tree Permit Case No. 05-OTP-023; and Sign Permit Case No. 05-SP-024, with respect to the property described in Section I hereof.

Section VII. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”), the City Council is not required to take any action to adopt an environmental document for a project it does not intend to approve. No action is taken on the Mitigated Negative Declaration prepared for this project.

PASSED, APPROVED, and ADOPTED this 8th day of August 2007, by the following vote to wit:

AYES: ()
NOES: ()
ABSTAIN: ()
ABSENT: ()

Dan Kuperberg, Mayor

ATTEST:

Kimberly Rodrigues, City Clerk